

**COUNCIL WORK SESSION  
MONDAY, JANUARY 18, 2010**

**7:00 P.M. PROMPT**

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• DISCUSSION OF AGENDA

- FIREWORKS
- ARTS AND CULTURAL BOARD APPOINTMENT
- **EXECUTIVE SESSION** – Personnel in the Fire Department and Service Department

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- **EXECUTIVE SESSION AFTER COUNCIL MEETING** – Personnel  
Council Only

Bedford, Ohio

January 18, 2010

Bedford City Council met in a work session at Bedford City Hall on Monday, January 18, 2010 at 7:00 p.m.

Present: Council Members: Warner Batten, Stan Koci, Marilyn Zolata, Paula Mizesak, Greg Pozar, Don Saunders. Also Present: Clerk of Council Kathleen Lynch. Administration: Acting City Manager/Law Director Ken Schuman and Finance Director Frank Gambosi. Absent: Mayor Dan Pocek.

Vice-Mayor Koci began the discussion of the Regular Meeting Agenda.

Mr. Schuman discussed Ordinance No. 8548-09. This ordinance will amend Section 151.17(e) of the Administrative Code regarding matching vacation pay when an employee retires from the City. It was placed on first reading the last meeting.

The Vice-Mayor asked if any members of Council had any option to this being passed tonight. There were no objections.

Ordinance Nos. 8551-10, 8552-10 and 8553-10 are all for purchases of appliances for homes the City owns and is trying to sell. There were no questions on any of these ordinances.

Mr. Schuman said Ordinance No. 8554-10 is to assess the property at 21 Jackson for clean up. Judge Junkin ordered the City to clean out the property, this was an issue of a hoarder. The City did this and the cost associated is \$12,753.00. This cost will be assessed to the property to be recovered when it is sold.

Vice-Mayor Koci asked if the woman would be able to get back into the house. Mr. Schuman said that has not yet been determined by the Court.

Mr. Schuman said this is not something the City will do on a regular basis but with the Court order and the issues the woman is having, there was no other way.


The next item on the Regular Meeting Agenda is to appoint Brenda Junkin to the Arts and Cultural Board. Mr. Koci said the Arts and Cultural Board put an ad out and received several applicants. They feel Mrs. Junkin will be a great addition to the Board. There were no objections.

Discussion of the Regular Meeting Agenda was concluded.

The next item on the Work Session Agenda is the issue of Fireworks. Mr. Schuman believed that the issue of fireworks was discussed during the budget hearings. The City will be moving forward to have fireworks this year. There were no objections, all members of Council were in favor.

At this time, Bedford City Council and Administration went into an executive session to discuss Personnel in the Fire Department and Service Department.

Work Session was adjourned at 7:15 p.m.

  
Clerk of Council

  
Mayor – President of Council

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of December 21, 2009
- b. Approval of Minutes of the Regular Meeting of December 21, 2009
- c. Approval of Minutes of the Work Session of January 2, 2010
- d. Approval of Minutes of the Organizational Meeting of January 2, 2010
- e. Approval of Minutes of the Work Session of January 4, 2010

5. **OLD BUSINESS**

- a. Ordinance No. 8548-09, amending Section 151.17(e) of the Administrative Code regarding vacation time – 1<sup>st</sup> reading 12/21/09

6. **REPORTS**

- a. City Manager / Law Director
- b. Finance Director
- c. Council Reports

7. **NEW BUSINESS**

- a. Ordinance No. 8551-10, authorizing the City Manager to pay PNC for the purchase of a dishwasher and dishwasher wall covering from Lowe's Home Center for the residence at 97 Flora (\$278.68)
- b. Ordinance No. 8552-10, authorizing the City Manager to pay PNC for the purchase of a 18 CF refrigerator, over the range microwave, gas range and gas dryer instrument from Lowe's Home Center for the residence at 97 Flora (\$1,109.00)
- c. Ordinance No. 8553-10, authorizing the City Manager to pay PNC for the purchase of a 21.7 CF refrigerator and gas range from Lowe's Home Center for the residence at 260 W. Glendale (\$1,097.00)
- d. Ordinance No. 8554-10, authorizing the Building Dept. to repair an insecure and unsafe structure that is not in compliance with the City of Bedford's Property Maintenance Code located at 21 Jackson and assess the property (\$12,753.00)
- e. Motion to appoint Brenda Junkin to the Bedford Arts and Cultural Board

8. **HEARING OF CITIZENS**

9. **ADJOURNMENT**

Bedford, Ohio

January 18, 2010

Bedford City Council met in regular session at Bedford City Hall on Monday, January 18, 2010. Mayor Pocek called the meeting to order at 8:01 P. M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders.

Motion made by Batten seconded by Zolata to approve the minutes of the Work Session of December 21, 2009. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to approve the minutes of the Regular Meeting of December 21, 2009. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Koci to approve the minutes of the Work Session of January 2, 2010. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to approve the minutes of the Organizational Meeting of January 2, 2010. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8548-09**, being an ordinance amending Section 151.17(e) of the Administrative Code of the City of Bedford, Ohio and declaring an emergency was read by title only placed on first reading December 21, 2009. Motion made by Batten seconded by Koci to suspend the rule requiring the reading of said ordinance on three different day. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to place Ordinance No. 8548-09 on third and final reading and passed.

Mr. Schuman said this issue came up regarding separation pay with employees with 25 years of service. Some employees were treated differently than others and this ordinance now covers all employees throughout the City and all are treated equally.

The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

No report from the City Manager.

No report from the Finance Director.

Councilman Saunders asked if the City's snowplow drivers record the properties that are pushing the snow from their driveways out into the street and leaving it there. It seems to be an increasingly number of people who just plow it out in the street.

Mr. Schuman said they normally would give it to the Service Director and the Service Director notifies the Police Department. He spoke with the Police Chief and asked that this be monitored.

Mr. Saunders asked residents to please remember to shovel hydrants out, with the snow the last couple of weeks you couldn't see where some of the hydrants were.

Councilman Pozar asked to reserve his comments until during the Hearing of Citizens portion, time allowing.

Councilwoman Zolata said the State of the City address is on Wednesday, January 20 at Catered Elegance. The Historical Society is sponsoring a benefit dinner on March 6. She asked that everyone pray and contribute to the people of Haiti.

**ORDINANCE NO. 8551-10**, an ordinance authorizing the City Manager to pay PNC for the purchase of a dishwasher and dishwasher wall covering from Lowe's Home Center for the residence at 97 Flora and declaring an emergency was read by title only. Motion made by Pozar seconded by Saunders to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Koci to place Ordinance No. 8551-10 on third and final reading and passed.

Mr. Schuman said this ordinance and the next two are for the houses that the City owns. They are very close to being put on the market for sale. These are the last couple of items needed.

The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8552-10**, an ordinance authorizing the City Manager to pay PNC for the purchase of a 18 CF refrigerator, over the range microwave, gas range and gas dryer instrument from Lowe's Home Center for the residence at 97 Flora and declaring an emergency was read by title only. Motion made by Koci seconded by Zolata to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Pozar seconded by Saunders to place Ordinance No. 8552-10 on third and final reading and passed.

The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8553-10**, an ordinance authorizing the City Manager to pay PNC for the purchase of a 21.7 CF refrigerator and gas range from Lowe's Home Center for the residence at 260 West Glendale and declaring an emergency was read by title only. Motion made by Mizesak seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Koci to place Ordinance No. 8553-10 on third and final reading and passed.

The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

**ORDINANCE NO. 8554-10**, an ordinance authorizing and directing the Building Department to repair an insecure and unsafe structure that is not in compliance with the City of Bedford's Property Maintenance Code located at 21 Jackson (P.P. No. 811-01-070), Bedford, Ohio pursuant to Ohio Revised Code 715.26 and declaring an emergency was read by title only. Motion made by Batten seconded by Pozar to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizensak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Batten seconded by Zolata to place Ordinance No. 8554-10 on third and final reading and passed.

Mr. Schuman said the City was notified of a resident living at 21 Jackson and that the property was in very dangerous condition. The Building Department inspected the property and the individual at the property turned out to be a hoarder. There were actually items stacked from the ground to the ceiling throughout the house and vehicle. Judge Junkin then ordered the City of Bedford to remove the debris, the City took out approximately 30 tons. The resident has some issues they are dealing with now through the Court. The Judge ordered this and this will allow the Finance Director to assess the property for the amount.

The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizensak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Koci seconded by Mizensak to appoint Brenda Junkin to the Bedford Arts and Cultural Board. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizensak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Mayor Pocek said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Jean Durant, 203 Greencroft, said there is a serious problem with pit bulls in her neighborhood. They are running loose and it has gone on for the past couple of years. Councilman Batten has done as much as he could to put a stop to it. There was another pit bull attack on Thames just last week. She believes the problem is that there isn't any awareness about the requirements of when you own a pit bull. She is not sure if the enforcement officers are aware of the laws either. The pit bulls are to be muzzled when they are being walked in the neighborhood and they are not. It isn't just in their neighborhood, but also in Maple Heights, which is so close to them. Their neighborhood has gotten so bad they have to get in their cars and drive through downtown Bedford to walk their dogs. Ms. Durant feels this needs to be addressed before it gets any worse or before a person is hurt. She doubts the mandatory insurance is being carried by the owners and they are supposed to be registered with the City. The neighborhood does not want to make a big scene, but it is a concern. Not one person knew that pit bulls are supposed to be registered. These infractions carry fines, and she feels a warning is not strong enough. The maximum fine should be given. Ms. Durant's dog was attacked on Thames, by a different type of dog, but it was the third time the dog had attacked. It should not go to three times. There are approximately 40 to 50 children in the neighborhood and pit bulls running loose is a disaster. There are also many elderly and frail people that are not walking because they are afraid. There are also large dogs, in addition to the pit bulls in the neighborhood.

Joan Marks, 68 Greencroft, has lived at this address for almost 32 years and she has never experienced anything like what happened to her a week ago. She has two golden retrievers and she took them for a walk into Maple Heights and while on her way back on Thames, there was a man on the other side of the street and he said his dog was off the leash but he won't bite you. The dog came across the street. Ms. Marks took one look at the dog and knew it was a pit bull. The pit bull attacked one of her dogs, the sounds she heard coming out of her dog were those of such pain.

Ms. Marks' dog was not hurt thankfully. She was kicking the dog and finally the man came over and got his dog. She called the Police Department and made a report. The Police were very nice and came in a good amount of time, but they didn't seem to really know the pit bull laws and that bothers her.

Ms. Marks said the Animal Warden looked into the situation and decided not to give the man a citation because it had never happened before. She is ok with that, but just so the man does not let the dog off the leash again. The man told the policeman that he lets the dog off leash from time to time and lets it run around the neighborhood and this is in the police report. She would like to see pit bulls banned in Bedford, and also anything mixed with a pit bull.

Ms. Marks said about a year ago she received something from the Building Department because she was looking to sell her house. It was a four page letter about everything they needed to do to get their house up to code to sell it. You would think the City would do something to entice people to want to stay in Bedford.

Ms. Durant, 203 Greencroft, said she moved to this neighborhood 10 years ago because she fell in love with that street and wanted to walk in that neighborhood. It is old fashioned and it is like going back in time. She is originally from Solon and now she can't use her own neighborhood.

The Mayor said Councilman Batten has been actively involved in talking to the City Manager.

Mr. Schuman said Councilman Batten did speak with him and he mailed the applicable ordinances to her. He spoke with the Chief to put a special attention in that area. The policy is not to give warnings to pit bull owners. In that instance, it is up to the Officer that is there, he has that discretion. The officers and animal control officers are well aware of the laws regarding pit bulls. The City of Bedford's ordinances are very stringent as far as the insurance that is required and the licenses that are needed. He is not aware if there were previous phone calls to the Police Department.

Ms. Durant said the neighbors do not want to start trouble but bring awareness to the situation. Bedford has wonderful laws regarding pit bulls.

Mr. Schuman said the problem is if no one notifies the City, the proper people don't know to go there. There were no calls about pit bulls in that area for a long time. Whenever the City is aware of a situation they put a special attention on it, and are very diligent about enforcing it. The Police are not driving around looking for pit bulls, there is a lot of other things they are going to focus their attention on. However, if it is called to the City's attention, like Councilman Batten did, it will be addressed.

Ms. Durant said it is very difficult to find out who actually owns the dogs. She has gone to these people's doors and tells them the laws. She finds that most of them do not know the laws.

Mr. Schuman said it is the responsibility of the owner of being aware of the laws. When a person is charged they have two choices, either to destroy the dog or adhere to the ordinance. The last three or four cases he has handled as prosecutor chose to destroy the dog. There is no tolerance for this.

Mayor Pocek asked if a letter could be sent out from Mr. Schuman to the Greencroft area on this situation.

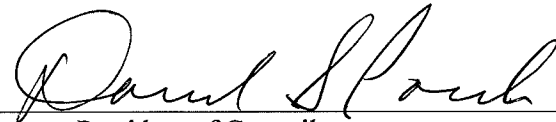
Mr. Schuman said that could be done.

Councilman Pozar asked how many pit bulls are in that area? Ms. Durant believes at least four. Mr. Pozar said it is a volatile breed and the ordinances here are strict. There needs to be a neighborhood awareness and it should be called in by people if it's seen. There should be a zero tolerance policy.

Mayor Pocek asked if there were any further comments. There being no reply, motion made by Batten seconded by Koci to adjourn. The roll was called. Vote – Yeas: Zolata, Batten, Koci, Mizesak, Pocek, Pozar, Saunders. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:28 P.M.

  
Clerk of Council

  
Mayor – President of Council